



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SMC  
Docket No: 01422-00  
10 May 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: SSG [REDACTED] USMC [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 20Jan00 w/attachments  
(2) HQMC MI memo dtd 1May00  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing two service record book (SRB) page 11 ("Administrative Remarks (1070)") entries, the lined through page 11c entry dated 9 February 1996 and the page 11d entry dated 21 February 1996. Copies of the entries in question are at Tabs A and B respectively.

2. The Board, consisting of Messrs. Beckett, Geisler and Zsalman, reviewed Petitioner's allegations of error and injustice on 10 May 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

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**CONCLUSION:**

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

**RECOMMENDATION:**

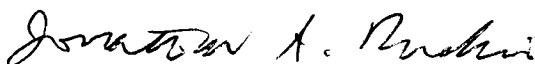
a. That Petitioner's naval record be corrected by removing the lined through SRB page 11c ("Administrative Remarks (1070)") entry dated 9 February 1996 and the SRB page 11d ("Administrative Remarks (1070)") entry dated 21 February 1996. This is to be effected by reconstructing, in accordance with the Individual Records Administration Manual (IRAM), the pages 11c and d on which the entries appear.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



For W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

1422-00

IN REPLY REFER TO:

1070

MI

1 MAY 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF STAFF [REDACTED]  
[REDACTED] USMC

1. We reviewed Staff Sergeant [REDACTED] application concerning his request for removal of the Administrative Remarks page 11 entries dated 960209 and 960221 from his service records.
2. MCO P1070.12H, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make entries on page 11 which are considered matters forming an essential and permanent part of a Marine's military history, which are not recorded elsewhere in the Service Record Book (SRB) or the Marine's automated record.
3. The following comments concerning the page 11 entry dated 960221 are provided:
  - a. The counseling entry does not meet the elements of a proper page 11 counseling in that it lists as a deficiency "Residing off base with non SNCO's raises the spectre of fraternization." The enclosed documented evidence, statement of Master Gunnery Sergeant [REDACTED] does not support a breakdown nor compromise in the respect towards the differences in rank and grade as intended by the statement. Staff [REDACTED] states that he sought advice and consulted his chain of command, OIC and SNCOIC, by requesting and receiving permission to establish living arrangements with Sergeant [REDACTED].
  - b. Staff Sergeant [REDACTED] was assigned to a tour of independent duty, an assignment that is unique and requires meeting specific criteria. Initial selection was based on a review of overall performance records by Headquarters, U. S. Marine Corps. Subsequent screening and recommendations by his commanding officer ensured his qualification for this duty. Specific areas under scrutiny include financial responsibility and maturity of the Marine.
  - c. Marines assigned to independent duty are not authorized special duty assignment pay or cost of living allowances. In most cases, Marines may face additional expenses due to the non availability of major military support facilities.

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[REDACTED] USMC

d. Staff Sergeant [REDACTED] states that he was separated from his wife and pending a divorce during the period from June 1995 through February 1996. It can be presumed that he was providing child support for his daughter during that time. While living in the BEQ on a space available basis, his living expenses were held to a minimum. However, his eviction from the BEQ subsequently challenged his net availability of funds and he sought advice and counsel from his chain of command, his NCOIC and OIC, concerning an opportunity in sharing living expenses with Sergeant [REDACTED], a senior Marine Noncommissioned Officer. Staff Sergeant [REDACTED] requested and received permission from his chain of command to execute living arrangements with Sergeant [REDACTED].

e. Staff Sergeant [REDACTED] was placed in a position, through no fault of his own, to seek assistance in finding a place to live that he could financially afford.

f. Staff Sergeant [REDACTED] became the subject of concern by his commanding officer after an incident, "a domestic dispute" between Sergeant [REDACTED] and Sergeant [REDACTED]'s girlfriend, had occurred at his residence. Staff Sergeant [REDACTED] states that he was not involved nor present when it occurred.

g. Staff Sergeant [REDACTED]'s commanding officer initially prepared a page 11 entry dated 960209, that was subsequently corrected by entering a thin inked line through the entire entry, an authorized method of correction per the IRAM indicating an erroneous entry.

h. Staff Sergeant [REDACTED] provides documentary evidence, a statement from Master Gunnery Sergeant [REDACTED], his NCOIC during the 960221 time frame, to support his claim why he believes the record to be in error or unjust by being "informed by the CO that the entry was not adverse in nature."

i. The contents of the page 11 entry dated 960221 contains adverse material that reflects unfavorably upon Staff Sergeant [REDACTED]'s mental, moral, or professional qualifications.

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j. It is of this Division's opinion that Staff Sergeant [REDACTED] did not maintain a personal relationship with Sergeant [REDACTED] it was unduly familiar nor created a situation where they did not respect differences in rank and grade. Staff Sergeant [REDACTED] states there was not a direct senior-subordinate supervisory relationship that would be prejudicial to good order and discipline or of a nature to bring discredit on the naval service.

k. Staff Sergeant [REDACTED] is promoted to his current rank and grade on March 1, 1994, which is one pay grade senior to Sergeant [REDACTED]

l. The remaining page 11 entry contains the proper elements by providing recommendations for corrective action, where assistance can be found, and states that Staff Sergeant [REDACTED] was provided the opportunity to make a rebuttal statement. Additionally, he was afforded an opportunity to annotate whether or not he chose to make such a statement and if made, a copy of the statement would be filed in the service record. Staff Sergeant [REDACTED] acknowledged the counseling entry by his signature and further chose "not to" make a statement in rebuttal.

4. The following comments concerning the page 11 entry dated 960209 are provided:

a. The contents of the page 11 entry contains adverse material that reflects unfavorably upon Staff Sergeant [REDACTED] mental, moral, or professional qualifications.

b. The page 11 entry contains misconduct/adverse information that was not substantiated from a law enforcement investigation that is not in compliance with paragraph 1000.5c(2)(e) of the IRAM. The only authorized entry that may be inserted in a Marine's records is one of substantiated misconduct/adverse information as a result from a law enforcement investigation.

c. The page 11 entry was corrected by entering a thin inked line through the entire entry, an authorized method of correction per the IRAM indicating an erroneous entry. However, due to the adverse contents, it should have been removed in its entirety.

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[REDACTED] USMC

5. In view of the above, it is recommended that:

a. Approve Staff Sergeant [REDACTED] request for removal of the Administrative Remarks page 11 counseling entries dated 960209 and 960221 from his SRB and OMPF be approved.

b. Direct that Staff Sergeant [REDACTED] commanding officer reconstruct the SRB Administrative Remarks page 11(c) and (d) and return the documents to the BCNR for disposition.

6. Point of contact [REDACTED]

[REDACTED]  
Head, Field Support Branch  
Manpower Management Information  
System Division